



MEMORANDUM

To: Applicants that are Natural Persons Seeking Georgia Mortgage Licenses

From: Georgia Department of Banking and Finance

Re: **Verification of Lawful Presence within the United States**

As a result of a recent law change, the Georgia Department of Banking and Finance (Department) is required to obtain from each natural person applying for a mortgage license in his or her own name (Applicant) a signed and sworn affidavit verifying his or her lawful presence in the United States that is accompanied by a copy of at least one “secure and verifiable document.” O.C.G.A. § 50-36-1(e).

Attached to this Memorandum you will find a Checklist for Verification of Lawful Presence within the United States (Checklist). You will also find three different affidavits from which an Applicant must choose that provide the basis for his or her lawful presence in the United States.

The Checklist must be completed by an Applicant to identify which of the three types of affidavits and which one of the 16 secure and verifiable documents listed is being submitted to the Department as part of his or her license application. In determining which affidavit is appropriate, an Applicant that is a United States citizen should complete the affidavit with that title (first affidavit). An Applicant that is a legal permanent resident should complete the affidavit with that title (second affidavit). An Applicant that is a qualified alien or nonimmigrant under Title 8 U.S.C. with an alien number issued by the Department of Homeland Security or other federal immigration agency should complete the affidavit with that title (third affidavit).

A **legible** photocopy of at least one secure and verifiable document must accompany the affidavit that is being submitted by an Applicant. A “secure and verifiable document” is defined in O.C.G.A. § 50-36-2 as “a document issued by a state and federal jurisdiction or recognized by the United States government and that is verifiable by federal or state law enforcement, intelligence, or homeland security agencies. *A secure and verifiable document shall not mean a Matricula Consular de Alta Seguridad, matricula consular card, consular matriculation card, consular identification card, or similar identification card issued by a foreign government regardless of the holder’s immigration status.* Only those documents approved and posted by the Attorney General pursuant to subsection (f) of this Code section shall be considered secure and verifiable.” (Emphasis added.)

Depending on which affidavit an Applicant is submitting, there is included on the Checklist at least one type of secure and verifiable document that has been determined by the Georgia Attorney General’s Office as being acceptable to support an affidavit.

Once the appropriate affidavit is selected by an Applicant and a photocopy of his or her secure and verifiable document has been made, he or she must complete the affidavit and **sign it in the presence of a notary public.**

Along with his or her other jurisdiction-specific documents, each Applicant must mail to the Department the following three documents: 1) a Checklist completed in its entirety by the Applicant, 2) the appropriate **original** signed and **notarized** affidavit attesting to the basis for his or her lawful presence in the United States, and 3) a **legible** photocopy of the Applicant's secure and verifiable document in support of the affidavit being submitted.

Please make sure that the Applicant's name and Nationwide Mortgage Licensing System (NMLS) license number are included on each of the three documents being submitted, including the copy of the secure and verifiable document.

For your records, it is recommended that each Applicant keep a photocopy of all of the documents that he or she submits to the Department to verify his or her lawful presence in the United States in case any issue arises as to whether the Applicant has submitted a complete and correct copy of what must be provided.

Failure by the Applicant to provide the documentation called for by this Memorandum may result in his or her mortgage license application being administratively withdrawn or denied.

If you have any questions regarding this Memorandum, please e-mail them to newapps@dbf.state.ga.us.

JA/loh

**GEORGIA DEPARTMENT OF BANKING AND FINANCE
CHECKLIST FOR VERIFICATION OF LAWFUL PRESENCE WITHIN THE UNITED STATES**

**THIS FORM MUST BE SUBMITTED TO THE DEPARTMENT WITH YOUR COMPLETE NOTARIZED AFFIDAVIT AND
A LEGIBLE COPY OF YOUR SECURE AND VERIFIABLE DOCUMENT**

NAME _____ (please print clearly)

_____ NMLS License Number

1) Affidavit that I am providing (please check the appropriate one):

- ☐ United States Citizen Affidavit;
- ☐ Legal Permanent Resident Affidavit; or
- ☐ Qualified Alien or Nonimmigrant under the Federal Immigration and Nationality Act, Title 8 with an Alien Number Issued by the Department of Homeland Security or Other Federal Immigration Agency Affidavit

2) A legible copy of at least one form of Secure and Verifiable Documentation authorized by the Georgia Attorney General's Office that I am providing to support my Affidavit (please check the form(s) of documentation):

- ☐ United States passport or passport card
- ☐ United States military identification card
- ☐ Driver's license issued by one of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Marianas Islands, the United States Virgin Islands, American Samoa, or the Swain Islands, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer.
- ☐ Identification card issued by one of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Marianas Islands, the United States Virgin Islands, American Samoa, or the Swain Islands, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer.
- ☐ Tribal identification card of a federally recognized Native American tribe, provided that contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer.
- ☐ United States Permanent Resident Card or Alien Registration Receipt Card
- ☐ Employment Authorization Document that contains a photograph of the bearer
- ☐ Passport issued by a foreign government
- ☐ Merchant Mariner Document or Merchant Mariner Credential issued by the United States Coast Guard
- ☐ Free and Secure Trade (FAST) card
- ☐ NEXUS card
- ☐ Secure Electronic Network for Travelers Rapid Inspection (SENTRI) card
- ☐ Driver's license issued by a Canadian government authority
- ☐ Certificate of Citizenship issued by the United States Department of Citizenship and Immigration Services (USCIS) (Form N-560 or Form N-561)
- ☐ Certificate of Naturalization issued by the United States Department of Citizenship and Immigration Services (USCIS) (Form N-550 or Form N-570)
- ☐ Other document or form of identification for proof or documentation of identity that the Georgia Department of Banking and Finance must accept pursuant to federal law deemed to be a secure and verifiable document solely for the issuance or administration of a Georgia mortgage license

I am providing the Georgia Department of Banking and Finance (Department) with this Checklist, the applicable affidavit and a photocopy of an authorized secure and verifiable document as a required part of my application for a mortgage license in my individual name. I understand and agree that knowingly and willfully making a false, fictitious, or fraudulent submission of this documentation to the Department may serve as grounds for denial of my Georgia mortgage license and may subject me to criminal penalties.

Signature of Applicant

Date

NMLS License Number

United States Citizen
Affidavit Under O.C.G.A. § 50-36-1(e)(2)(A)

By executing this affidavit, the undersigned applicant verifies the applicant's lawful presence in the United States as the undersigned applicant is a United States citizen 18 years of age or older. Furthermore, the undersigned applicant hereby verifies that applicant has provided at least one secure and verifiable document, as defined by O.C.G.A. 50-36-2, with this affidavit.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, 201_, in _____, _____.
(month) (day) (year) (city) (state)

Signature of Applicant

Printed Name of Applicant

Subscribed and sworn before me
on this ____ day of _____, 201_.

NOTARY PUBLIC
My commission expires:

NMLS License Number

**Legal Permanent Resident
Affidavit Under O.C.G.A. § 50-36-1(e)(2)(A)**

By executing this affidavit, the undersigned applicant verifies the applicant's lawful presence in the United States as the undersigned applicant is a legal permanent resident 18 years of age or older. Furthermore, the undersigned applicant hereby verifies that applicant has provided at least one secure and verifiable document, as defined by O.C.G.A. 50-36-2, with this affidavit.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, 201_, in _____, _____.
(month) (day) (year) (city) (state)

Signature of Applicant

Printed Name of Applicant

Subscribed and sworn before me
on this ____ day of _____, 201_.

NOTARY PUBLIC
My commission expires:

NMLS License Number

**Qualified Alien or Nonimmigrant under the Federal Immigration and Nationality Act,
Title 8 with an Alien Number Issued by the Department of Homeland Security
Or Other Federal Immigration Agency
Affidavit Under O.C.G.A. § 50-36-1(e)(2)(B)**

By executing this affidavit, the undersigned applicant verifies the applicant's lawful presence in the United States as the undersigned applicant is a qualified alien or nonimmigrant under the federal Immigration and Nationality Act, Title 8 U.S.C. with an alien number issued by the Department of Homeland Security or other federal immigration agency. The undersigned applicant hereby verifies that the applicant is 18 years of age or older, lawfully present in the United States and verifies that applicant has provided at least one secure and verifiable document, as defined by O.C.G.A. 50-36-2, with this affidavit.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, 201_, in _____.
(month) (day) (year) (city) (state)

Signature of Applicant

Printed Name of Applicant

Applicant's alien number issued
by the Department of Homeland
Security or other federal
immigration agency

Subscribed and sworn before me
on this ____ day of _____, 201_.

NOTARY PUBLIC
My commission expires:
